

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re

CUSTOMS AND TAX ADMINISTRATION  
OF THE KINGDOM OF DENMARK  
(SKATTEFORVALTNINGEN) TAX  
REFUND SCHEME LITIGATION

This document relates to:      18-cv-09797<sup>1</sup>  
    18-cv-10100

MASTER DOCKET

18-md-2865 (LAK)

**NOTICE OF THIRD-PARTY PLAINTIFFS/COUNTERCLAIM-DEFENDANTS'  
MOTION TO DISMISS ED&F MAN CAPITAL MARKETS LTD.'S  
AMENDED COUNTERCLAIMS**

**PLEASE TAKE NOTICE THAT**, upon the accompanying memorandum of law and declaration of Brandon R. Dillman and the previously-filed declaration of John C. Blessington (Doc. No. 305, 18-md-2865), Third-Party Plaintiffs and Defendants-in-Counterclaim DW Construction, Inc. Retirement Plan, Kamco Investments, Inc. Pension Plan, Kamco LP Profit Sharing Pension Plan, Linden Associates Defined Benefit Plan, Moira Associates 401(K) LLC Plan, Riverside Associates Defined Benefit Plan, American Investment Group of New York, L.P. Pension Plan, and Newsong Fellowship Church 401(k) Plan (the “Plans”) named in the above-captioned multidistrict litigation (18-md-02865) and the related actions (18-cv-09797 and 18-cv-10100), hereby move this Court for an order dismissing ED&F’s Amended Counterclaims against

---

<sup>1</sup> SKAT’s actions first filed in Utah federal court were consolidated and then transferred to this Court for pretrial purposes only. The above-captioned related action, 18-cv-09797, comprises the following actions: *SKAT v. DW Construction, Inc. Retirement Plan*, 18-cv-09797 (S.D.N.Y.); *SKAT v. Kamco Investments Inc. Pension Plan*, 18-cv-09836 (S.D.N.Y.); *SKAT v. Kamco LP Profit Sharing Pension Plan*, 18-cv-09837 (S.D.N.Y.); *SKAT v. Linden Associates Defined Benefit Plan*, 18-cv-09838 (S.D.N.Y.); *SKAT v. Moira Associates LLC 401K Plan*, 18-cv-09839 (S.D.N.Y.); *SKAT v. Riverside Associates Defined Benefit Plan*, 18-cv-09840 (S.D.N.Y.); and *SKAT v. American Investment Group of New York, L.P. Pension Plan*, 18-cv-09841 (S.D.N.Y.).

the Plans with prejudice pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6) and for such other, further, or different relief as the Court deems just and proper.

May 18, 2020

Respectfully submitted,

K&L GATES LLP

/s/ John C. Blessington

John C. Blessington (*pro hac vice*)

john.blessington@klgates.com

Brandon R. Dillman (*pro hac vice*)

brandon.dillman@klgates.com

K&L GATES LLP

State Street Financial Center

One Lincoln Street

Boston, MA 02111

T: 617.261.3100

F: 617.261.3175

*Attorneys for Defendants / Third-Party Plaintiffs  
DW Construction, Inc. Retirement Plan,  
Kamco Investments, Inc. Pension Plan,  
Kamco LP Profit Sharing Pension Plan,  
Moira Associates LLC 401(k) Plan, Linden  
Associates Defined Benefit Plan, Riverside  
Associates Defined Benefit Plan, American  
Investment Group of New York, L.P. Pension  
Plan, Stacey Kaminer, Joan Schulman,  
David Schulman, Newsong Fellowship  
Church 401(k) Plan, and Alexander Jamie  
Mitchell III*